GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:1700
ANSWERED ON:12.12.2003
CONTROL OF COURT ADMINISTRATION
GADDE RAMAMOHAN;M.V.V.S MURTHI

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Delhi High Court has recommended to the Union Government that the responsibility of the court administration should be left to the Judiciary and that the Government should have no control over it;

(b) if so, the details thereof; and

(c) the reaction of the Government thereon?

Answer

MINISTER OF STATE FOR LAW & JUSTICE (SHRI P.C. THOMAS)

(a),(b) and (c): The Delhi High Court in its judgment in a Criminal Case, Crl.M(m) No. 2686/2003 observed that the Government should transfer the responsibility of court administration exclusively to the judiciary as ultimately the public blames the judiciary for all ills and failures of administration of justice though the entire control about availability of judges, supply of administrative component and financial sanction vests in the Government.

The above observation arose out of an appeal filed by a private party for summary disposal of a cheque bouncing case under Section 138 of Negotiable Instrument Act.

Articles 233, 234 and 235 of the Constitution provide ample power to the High Court of the concerned Statein matters of administration of subordinate courts such as appointment of district judges, recruitment of persons other thap. district judges, the control over district courts and courts subordinate to it including posting and promotion and the grant of leave to persons belonging to the judicial service.

In view of the above, no action was considered necessary on the observation of the Delhi High Court and it was noted for future reference only.